

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:22-cv-00422-JRG-RSP

JURY DEMANDED

**PLAINTIFF HEADWATER’S UNOPPOSED MOTION
TO AMEND DOCKET CONTROL ORDER**

Plaintiff Headwater Research, LLC (“Headwater”) respectfully files this Unopposed Motion to Amend the Second Amended Docket Control Order and would show the Court as follows. Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Defendants” or “Samsung”) do not oppose the Motion.

The parties have been working diligently to complete fact discovery and move to the expert report phase of the case. Nonetheless, Headwater respectfully submits that a small amount of additional time for fact discovery and preparation of expert reports would help to provide a more fulsome record for the case. Headwater therefore requests brief extensions of the deadlines to complete fact discovery and exchange expert reports. Samsung does not oppose.

Headwater also requests brief extensions to the dispositive/*Daubert* motion briefing deadlines and the deadline for exchanging pretrial disclosures. Samsung does not oppose. Good cause exists for these modifications. Headwater’s damages expert in this action, David Kennedy, is also serving as an expert in *Netlist, Inc. v. Micron Technology, Inc.*, No. 2:22-cv-00294-JRG

(E.D. Tex.), in which trial was previously scheduled for the week of April 15, 2024. On February 28, 2024, this Court issued an order (Dkt. No. 36) setting trial for the week of April 22, 2024. Mr. Kennedy's new trial conflict in *Netlist* makes him unavailable to sit for deposition during the expert discovery period in this action, but he will be made available for deposition on April 29-30 immediately following the *Netlist* trial.

No other deadlines will be affected by this amendment, nor will there be any disruption to the trial schedule. Under the requested extensions, briefing on dispositive/*Daubert* motions would be completed one week later than originally scheduled but would still be completed more than six weeks prior to the pretrial conference.

Headwater represents that this Motion is not filed for the purposes of delay but rather so that justice may be served. The parties have met and conferred, and Samsung does not oppose the Motion.

Accordingly, Headwater respectfully requests that the Court grant this Unopposed Motion to Amend the Second Amended Docket Control Order (Dkt. No. 75) as follows:

Original Date	Amended Date	Event
May 20, 2024	May 24, 2024	Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
May 13, 2024	May 20, 2024	*Response to Dispositive Motions (including <i>Daubert</i> Motions). Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. ¹ Motions for Summary Judgment shall comply with Local Rule CV-56.

¹ The parties are directed to Local Rule CV-7(d), which provides in part that “[a] party’s failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion.”

April 29, 2024	May 6, 2024	*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) No motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
April 29, 2024	May 6, 2024	*File Dispositive Motions No dispositive motion may be filed after this date without leave of the Court. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u>
April 22, 2024	April 30, 2024	Deadline to Complete Expert Discovery
April 8, 2024	April 19, 2024	Serve Disclosures for Rebuttal Expert Witnesses
March 18, 2024	March 29, 2024	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof
March 11, 2024	March 15, 2024	Deadline to Complete Fact Discovery and File Motions to Compel Discovery

Dated: March 6, 2024

Respectfully submitted,

/s/ Marc Fenster

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Reza Mirzaie
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If the deadline under Local Rule CV 7(e) exceeds the deadline for Response to Dispositive Motions, the deadline for Response to Dispositive Motions controls.

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**ATTORNEYS FOR PLAINTIFF,
Headwater Research LLC**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 6th day of March 2024, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Marc Fenster

Marc Fenster

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel complied with the requirements of Eastern District of Texas Local Rule CV-7(h). Defendants do not oppose the Motion.

/s/ Marc Fenster
Marc Fenster